

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,)
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))
Plaintiff,))
))
))
v.) Case No. 4:17-cv-00454-GKF-JFJ
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1) CASTLE HILL STUDIOS LLC))
 (d/b/a CASTLE HILL GAMING);))
2) CASTLE HILL HOLDING LLC))
 (d/b/a CASTLE HILL GAMING); and))
3) IRONWORKS DEVELOPMENT, LLC))
 (d/b/a CASTLE HILL GAMING)))
))
Defendants.))

**PLAINTIFF'S MOTION TO SEAL OPPOSITION TO DEFENDANTS' MOTION IN
LIMINE TO EXCLUDE EVIDENCE OF ACTUAL CONFUSION**

Pursuant to Local Rule 79.1, General Order In Re The Use of Confidential Information In Civil Cases (“GO 08-11”), and paragraph 2(f) of the Stipulated Protective Order (Dkt. 55), Plaintiff Video Gaming Technologies, Inc. (“VGT”), hereby requests that the Court enter an order to seal Plaintiff’s unredacted Opposition to Defendants’ Motion *in Limine* to Exclude Evidence of Actual Confusion (“the Opposition”) and Exhibits C, D, E, F, G, and H to the Declaration of Rebecca Dalton in Support of Plaintiff’s Opposition to Defendants’ Motion *in Limine* to Exclude Evidence of Actual Confusion (the “Dalton Declaration”) (collectively, Dkt. 206). In support of this motion, Plaintiff states the following:

1. Portions of the Opposition contain information designated by Plaintiff and Defendants as Highly Confidential Information pursuant to paragraph 2(a) of the Stipulated Protective Order.

2. Portions of the Opposition contain discussion of deposition testimony that has been designated as Highly Confidential Information pursuant to paragraph 2(c) of the Stipulated Protective Order.

3. Exhibit C to the Dalton Declaration consists of excerpts from the deposition testimony of Aaron Milligan, dated February 9, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, has been designated by Defendants as Highly Confidential Information.

4. Exhibit D to the Dalton Declaration consists of excerpts from the deposition testimony of Jason Sprinkle, dated May 18, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Confidential Information.

5. Exhibit E to the Dalton Declaration is a document produced by CHG to VGT bearing Bates stamps CHG0009315-17. Pursuant to paragraphs 2(a) of the Stipulated Protective Order, Defendants have designated this document as Highly Confidential Information.

6. Exhibit F to the Dalton Declaration consists of excerpts from the deposition testimony of James T. Berger, dated September 26, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Confidential Information.

7. Exhibit G to the Dalton Declaration consists of excerpts from the deposition testimony of Arthur A. Watson III, dated July 12, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Highly Confidential Information.

8. Exhibit H to the Dalton Declaration consists of excerpts from the deposition testimony of Jay Sevigny, dated July 12, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order, should be treated as Highly Confidential Information.

9. In accordance with Local Rule 79.1, GO 08-11, and the Stipulated Protective Order, Plaintiff has filed public, redacted versions of the Opposition and Dalton Declaration, (collectively, Dkt. 205), as well as sealed, unredacted versions of the Opposition and Dalton Declaration (collectively, Dkt. 206).

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting sealing Plaintiff's Opposition to Defendants' Motion in Limine to Exclude Evidence of Actual Confusion and Exhibits C, D, E, F, G, and H to the Dalton Declaration (collectively, Dkt. 206).

November 16, 2018

Respectfully submitted,

/s/ Gary Rubman

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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2018, I filed the foregoing via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

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